

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT W. OLSEN,

Plaintiff,

-against-

ORDER
CV 06-3622 (JS)(ARL)

JOHN E. POTTER, POSTMASTER GENERAL,
UNITED STATES POSTAL SERVICE,

Defendant.

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LINDSAY, Magistrate Judge:

Before the court is the defendant's letter application dated January 11, 2008, seeking to compel the *pro se* plaintiff (1) to respond to the defendant's discovery demands, (2) to appear for a deposition, and (3) to extend the discovery deadlines. The defendant's application is granted as unopposed. The plaintiff shall respond to all outstanding requests and appear for a deposition by March 7, 2008. Failure to do so may result in the imposition of sanctions, including, among other things, a recommendation that the case be dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b). The plaintiff is advised that Rule 41(b) gives the district court power to dismiss a complaint "for failure to comply with a court order, treating noncompliance as a failure to prosecute." *Simmons v. Abruzzo*, 49 F.3d 83, 87 (2d Cir. 1995). It is well settled that a dismissal under Rule 41(b) "operates as an adjudication on the merits and that such a dismissal is with prejudice." *Hoffman v. Wisner Classic Mfg. Co.*, 927 F. Supp. 67, 71 (E.D.N.Y. 1996) (citing *Link v. Wabash R. Co.*, 370 U.S. 626, 630-32 (1962)).

All discovery, including expert discovery, is to be completed by March 28, 2008. Any party planning on making a dispositive motion shall take the first step in the motion process by April 11, 2008. The final conference scheduled for February 13, 2008, is adjourned to April 23, 2008 at 11:00 a.m.

Dated: Central Islip, New York
January 28, 2008

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge